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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,290	09/22/2005	Akira Shinada	278086US6PCT	9531
22850	7590	03/11/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.	EXAMINER			
1940 DUKE STREET	JIANG, YONG HANG			
ALEXANDRIA, VA 22314	ART UNIT		PAPER NUMBER	
	2612			
NOTIFICATION DATE	DELIVERY MODE			
03/11/2009	ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/550,290	<b>Applicant(s)</b> SHINADA, AKIRA
	<b>Examiner</b> YONG HANG JIANG	<b>Art Unit</b> 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 January 2009.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

### **DETAILED ACTION**

#### ***Response to Amendment***

1. Applicant's amendment filed 1/6/2009 has been entered. Claims 1-8 are amended. Claims 9-11 are newly added. Claims 1-11 are pending.

#### ***Response to Arguments***

2. Applicant's arguments filed 1/6/2009 have been fully considered but they are not persuasive.

Applicant argues on the second paragraph of page 7 that the combined teachings of Witkowski et al. and Sugiura et al. fail to describe the invention as defined in any of the claims; and that if the devices were combined, the resulting system would create an automated connection/data transfer system which could also initiate home automation processes when an appropriate key fob signal is detected. The examiner respectfully disagrees. The combination of Witkowski and Sugiura discloses the claimed invention. Witkowski teaches a system to communicate information from a portable electronic device to a vehicle automatically when they are in close proximity. Sugiura teaches a system that utilizes a wireless remote control signal to a vehicle as a trigger to start automatic operations. In view of the teachings of Sugiura, one of ordinary skill in the art would see the obvious advantage of utilizing a wireless remote control signal to a vehicle as a trigger to start automatic operations, the obvious advantage being providing an operator more flexibility on when to send the information signals from the portable electronic device to the vehicle. By using the wireless remote control signal to a vehicle as a trigger to start automatic operations of a device as taught

by Sugiura, the system of Witkowski becomes automatically active only when desired by an operator. Furthermore, an automated connection/data transfer system which could also initiate home automation processes when an appropriate key fob signal is detected still renders the claim invention unpatentable as long as this system teaches each and every claimed limitation.

Applicant argues from the last paragraph of page 7 to page 8 that the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, and that the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose. The examiner respectfully disagrees. In view of the teachings of Sugiura, the proposed modification to Witkowski still produces a system with automatic connection between devices. On paragraph 10 of Witkowski, a manual connection made between devices is described as inputting commands directly to the devices to establish a connection between the two. In view of the teachings of Sugiura, the proposed modification would not require manually inputting commands directly to the portable electronic device or the vehicle; the connection made between the devices would still automatic, but triggered by a remote control signal. Therefore, the proposed modification would not render the prior art invention being modified unsatisfactory for its intended purpose.

Applicant argues on the 2<sup>nd</sup> paragraph of page 9 that using an electronic key as recited in claim 1 to trigger a data transfer is contrary to the accepted wisdom taught by Witkowski. The examiner wrote the rejections made based on the teachings of Witkowski and Sugiura, not Witkowski alone. Therefore, this argument is invalid.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witkowski et al. (US 2002/0197955), and further in view of Sugiura et al. (JP 2001112071 A).

Regarding claims 1-4, 6-7, and 9-11, Witkowski discloses a system and method comprising a vehicle (14) and an information providing apparatus (via electronic device 12, paragraph 42 and figure 1), the information providing apparatus comprising:

communication means for sending and receiving desired data by means of radio communications (via RF transceiver 10a, paragraphs 42 and 44); and

inherent control means for controlling operations of information output means for storing said information and sending said information to a vehicle as well as operations of the communication means (via electronic device 12 sending information such as personal calendars and e-mail messages to the vehicle once the wireless communications link is established, See paragraph 45);

Witkowski discloses the control means starts up operation of said information output means to transmit said desired information using an automatic wireless data link when the apparatus (electronic device 12) is within the vicinity of the vehicle. (See paragraph 44).

But Witkowski did not disclose the control means monitors a remote control signal from an electronic key corresponding to a key-less entry system for a vehicle via said communication means, and said control means starts up operations of said information output means using the remote control signal from said electronic key as a trigger to transmit said desired information to said vehicle.

Sugiura teaches a system utilizing a home server to monitors a vehicle remote control signal as a trigger to start automatic operations in a house. In this system, when a user is in his garage (car barn 13), the user uses a keyless transmitter to send a door locking signal to his car; when this vehicle door locking signal is detected by the home server (23), the home server sends out an unlock/lock command to automatically unlock/lock the front door lock (27) and the appliances in the house connected to the home server can be configured to automatically turned on/off. (See the Abstract and Paragraphs 105-108)

The apparatus of Witkowski is automatic since it transfers data whenever the vehicle is in the vicinity of the apparatus (Paragraph 44). However, from the teachings of Sugiura, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the control means in the apparatus of Witkowski to include monitoring a remote control signal from an electronic key relating to a key-less entry system via said communication means, and said control means starts up operations of said information output means using the remote control signal from said electronic key as a trigger to transmit said desired information to said vehicle as taught by Sugiura to provide an operator more flexibility on when to transfer desired

information to the vehicle, thereby providing an alternative for users who don't want desired information to be transmitted to the vehicle automatically without supervision.

3. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Witkowski et al. (US 2002/0197955), in view of Sugiura et al. (JP 2001112071 A) as applied to claims 4 and 6 above, and further in view of Hara et al. (US 2001/0028297).

Regarding claims 5 and 8, the combination of Sugiura and Witkowski discloses the structural elements of the claimed invention but did not specifically disclose said control means sends and receives prespecified information with a sender of said information using information received by said communication means according to said remote control signal as a trigger to execute processing for mutual authentication, and then acquires said desired information based on a result of processing for the mutual authentication.

In data communication, it is obvious to authenticate a particular device before accepting commands from the particular device to avoid false activation from an unauthorized device. Hara et al. teach an example of a control apparatus and control method that teaches authenticating a device before executing a command from the device. (See the Abstract and paragraph 16)

From the teachings of Hara, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Sugiura and Witkowski to include said control means sends and receives prespecified information with a sender of said information based on information received by said communication means according to said remote control signal as a trigger to execute processing for

mutual authentication, and then acquires said desired information based on a result of processing for the mutual authentication as taught by Hara to avoid false activation from an unauthorized device, thereby preventing illegal communication.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONG HANG JIANG whose telephone number is (571)270-3024. The examiner can normally be reached on M-F 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on 571-272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. J./  
Examiner, Art Unit 2612

/Brian A Zimmerman/  
Supervisory Patent Examiner, Art Unit 2612